



BENSALEM TOWNSHIP

Building and Planning Department
2400 Byberry Road • Bensalem PA 19020
215-633-3644 • FAX 215-633-3653

Exhibit Z-4

Zoning Hearing Board

Appeal Number: 2013-349

Notice to Re-Open Application + Decision

**Township of Bensalem, Bucks County, Pennsylvania
Notice of Appeal**

Appeal is hereby made by the undersigned from the action of the Zoning Officer.

Check applicable item(s):

- ☐ Certification of Non-Conforming Use
- ☐ Application for Validity Challenge
- ☐ Administrative Officer in refusing my application for a building permit dated: _____
- ☐ Special Exception
- ☒ Variance from the terms of the Zoning Ordinance of the Township of Bensalem

Appellant Name: Libertae, Inc.

Address: 5245 Bensalem Boulevard

Bensalem, PA 19020

Phone No. _____

Owner's Name: Libertae, Inc.

Address: 5245 Bensalem Boulevard

Bensalem, PA 19020

Phone No. _____

Attorney Name: Catherine Anne Porter, Esquire

Address: 301 South State Street

Newtown, PA 18940

Phone No. [REDACTED]

Interest of appellant, if not owners (agent, lessee, etc.): _____

1. Application relates to the following:

Check items if applicable:

- | | |
|--|--|
| <input type="checkbox"/> Use | <input type="checkbox"/> Lot Area |
| <input type="checkbox"/> Height | <input checked="" type="checkbox"/> Yards |
| <input type="checkbox"/> Existing Building | <input type="checkbox"/> Proposed Building |
| <input type="checkbox"/> Occupancy | |
| <input type="checkbox"/> Other: (describe) | |

2. Brief description of Real Estate affected:

Tax Parcel Number: 02-084-240

Location: 5245 Bensalem Boulevard

Lot Size: 114,563 SF or 2.63 Ac.

Present Use: Residential Care Facility

Proposed Use: Residential Care Facility

Present Zoning Classification: IN

Present Improvement upon Land: _____

Deed recorded at Doylestown in Deed Book 0634 Page 2208

3. If this is an appeal to challenge, provide statement and/or basis for challenge to the validity of the zoning ordinance.

4. If this is an Appeal from action of the Zoning Administrative Officer then complete the following:

Date Determination was made: _____

Your statement of alleged error of Zoning Administrative Office: _____

5. Specific reference to section of the Zoning Ordinance upon which application for special exception or variance is based (if special or variance is desired):

Section 232-357.(3).b

6. Action desired by appellant or applicant (statement of relief sought or special exception or variance desired):

1 To allow a minimum side yard of 15.63 ft. instead of the required 75 feet.

7. Reasons appellant believes board should approve desired action (refer to section or sections of ordinance under which it is felt that desired action may be allowed, and not whether hardship is (or is not) claimed, and the specific hardship.

The irregular lot shape, the lot being below the required minimum lot size,

and the poor position of existing buildings make it difficult to achieve and lessen the impact of

varying from the requirements of Sections 232-357(3)b.

8. Has previous appeal or application for special exception or variance been filed in connection with these premises?

☒ YES ☐ NO

Specifications of errors must state separately the appellant's objections to the action of the zoning administrative office with respect to each question of law and fact which is sought to be reviewed.

I, hereby depose and say that all of the above statements and the statements contained in any papers or plans submitted herewith, are true to the best of my knowledge and belief.


Appellant's or Owner's Signature

10-14-14
Date

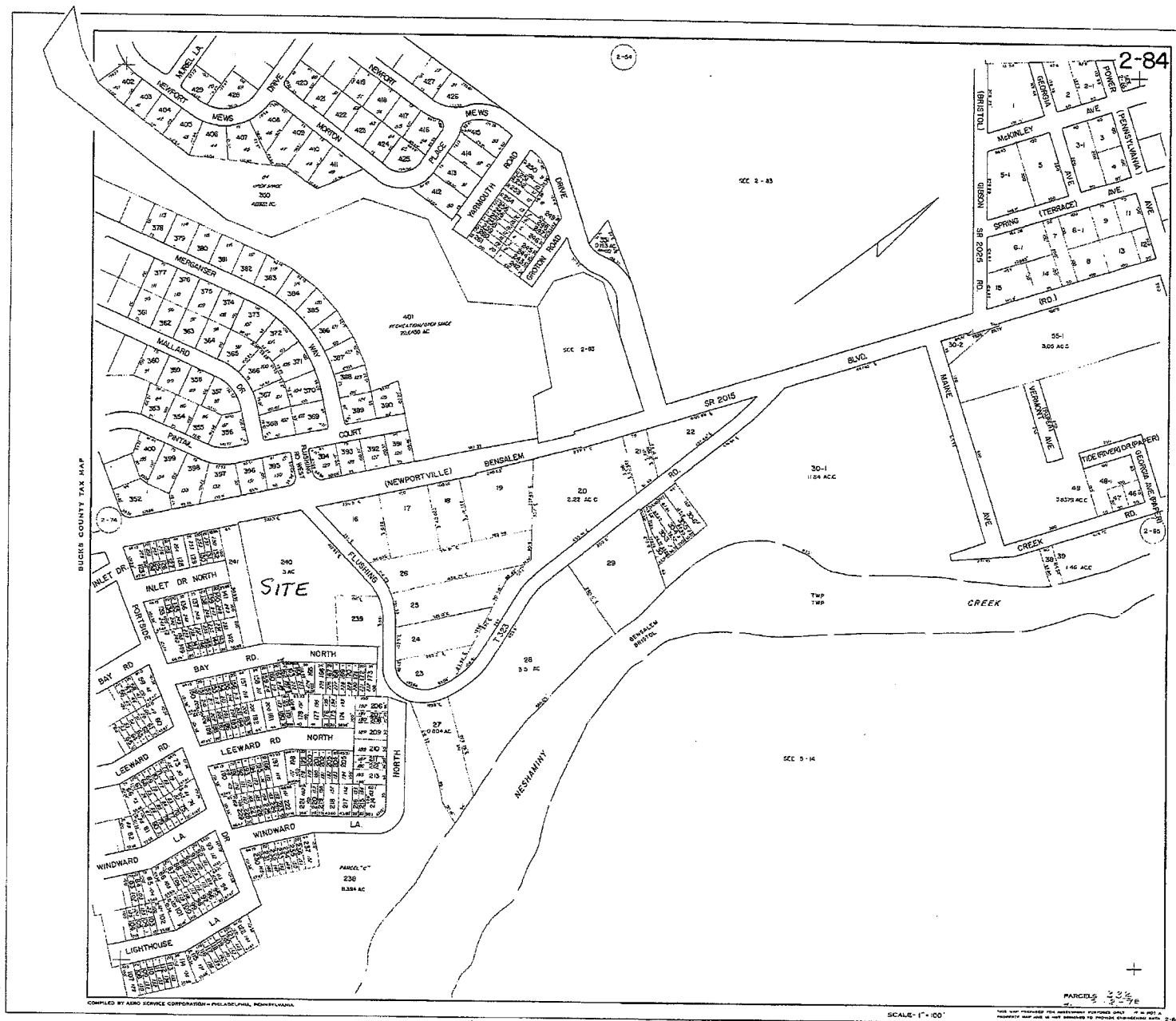
Sworn to and subscribed before me this

14th day of October 2014

Notary Public 

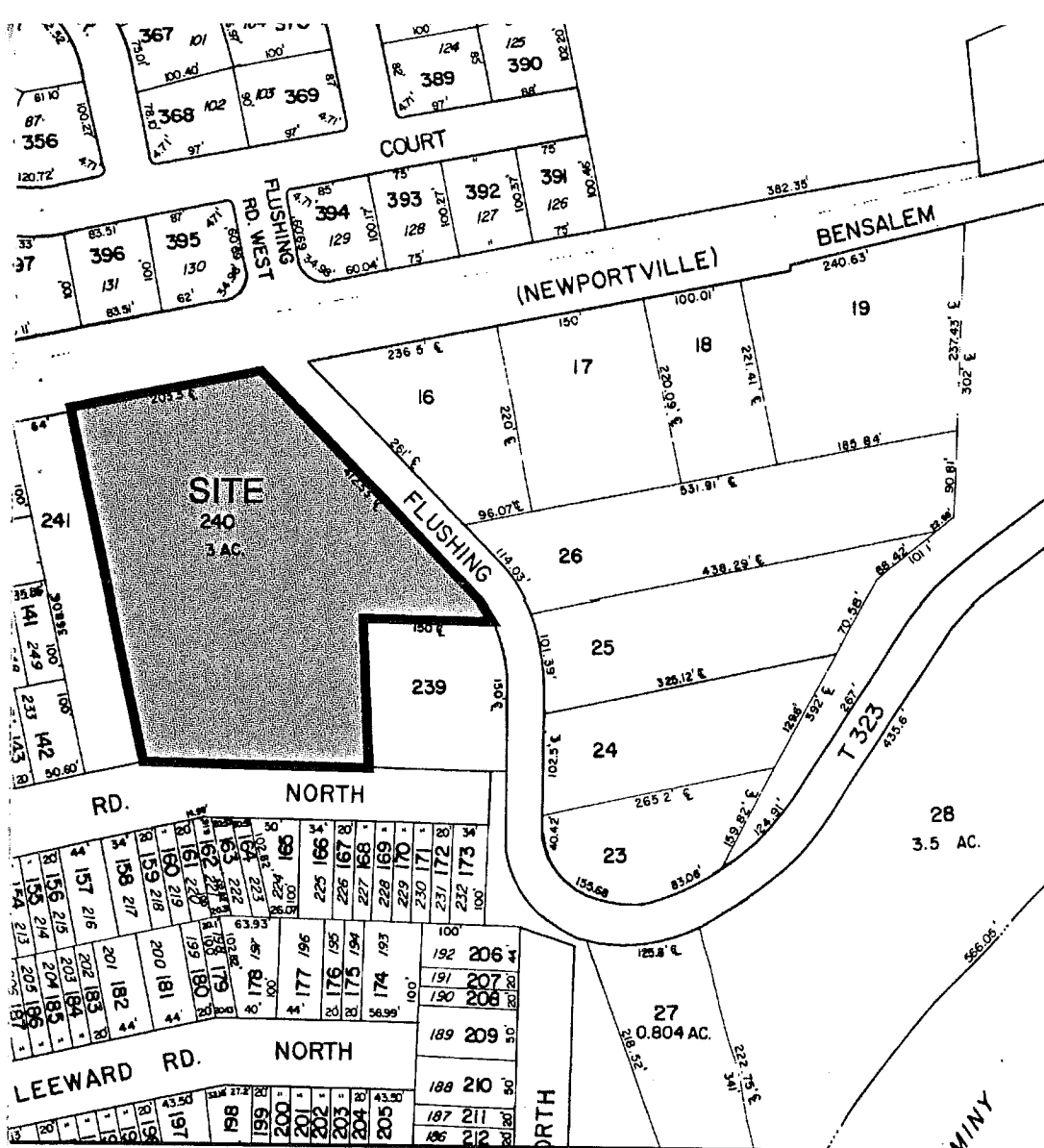
My commission expires:

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Elaine M. Shields, Notary Public
Newtown Boro, Bucks County
My Commission Expires Oct. 31, 2017
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES





1-800-242-177



LOCATION MAP

SCALE: 1"=200'

COMMERCIAL DISTRICT

SECTION	REQUIRED	EXISTING	PROPOSED
232-357.(1)	4.00 AC	2.63 AC*	2.63 AC*
232-357.(1)	300 FT	355 FT.	355 FT
232-357.(3)a	80 FT	88.01 FT	88.01 FT*
232-357.(3)b	75 FT	66.87 FT*	15.63 FT
232-357.(3)c	100 FT	65.46 FT*	65.46 FT*
232-357.(2)	40%	34.5%	44.5%
232-357.(2)	30%	9.98%	11.3%
232-357.(4)	50 FT	<50 FT	<50 FT

THE FOLLOWING VARIANCES FROM THE BENSALEM TOWNSHIP ZONING ORDINANCE IS BEING REQUESTED*

SECTION
232-357.(3).b

VARIANCE
TO PERMIT A SIDE YARD OF 15.63 FEET INSTEAD OF THE
REQUIRED 75 FEET.

THE FOLLOWING VARIANCES FROM THE BENSALEM TOWNSHIP ZONING ORDINANCE WERE GRANTED BY THE ZONING HEARING BOARD AT A PUBLIC MEETING HELD ON SEPTEMBER 9, 2013.

SECTION
232-357.(3).b

VARIANCE
TO PERMIT A SIDE YARD OF 20.11 FEET INSTEAD OF THE

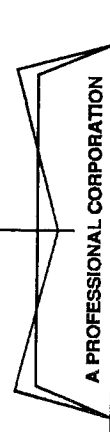
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ZONING HEARING BOARD OF BENSALEM TOWNSHIP, BUCKS COUNTY, PA
CERTIFICATION OF DECISION

APPEAL NO. 2013-349

TAX PARCEL NO. 02-084-240

ADDRESS: 5245 Bensalem Boulevard Bensalem, PA 19020

OWNER: Same as Appellant

APPELLANT: Libertae, Inc.

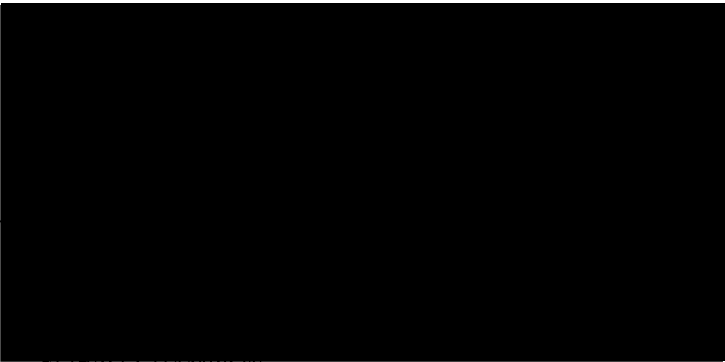
This certifies that the Zoning Hearing Board of Bensalem Township held a hearing on **September 5, 2013**, at **7:30 p.m.**, in the Bensalem Township Municipal Building and considered the appeal application for ~~Special Exception/Variance/Reversal of Determination of Zoning Officer~~ filed by **Libertae, Inc.** on **August 7, 2013** to seek relief as stated on the advertised legal notice of appeal or application.

More specifically, the Board considered and rendered a decision on a request for relief from the following provisions of the Zoning Ordinance:

Section	Description	Decision	Vote
<u>232-357(3)b</u>	<u>side yard setback</u>	<u>Granted</u>	<u>5-0</u>
<u>232-357(2)</u>	<u>impervious surface coverage</u>	<u>Granted</u>	<u>5-0</u>
<u>232-586(c)(3)</u>	<u>number of parking spaces</u>	<u>Granted</u>	<u>5-0</u>
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The Decision of the Board is subject to the following special conditions:

None



ALBERT CHAMPION



MICHAEL D. GROSS

September 5, 2013

DATE

This is not a building or zoning permit. Such permits must be secured from the appropriate township officials prior to construction or use of the premises. Building permits must be secured within one (1) year of the date of the decision granting a use variance and within two (2) years of the date of the decision granting a dimensional variance or any approval by this Board is automatically voided. Applicant must comply with all other applicable township, county, state and federal laws, regulations and ordinances.

Findings of Fact and Conclusions of Law will be approved by the Zoning Hearing Board at its next regularly scheduled meeting and forwarded to Appellant with the formal Decision and Order of the Board.